

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCE

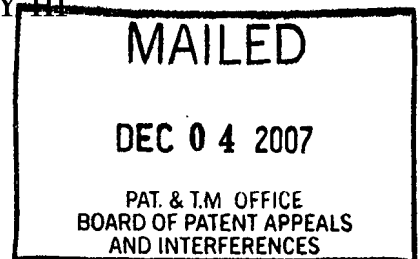
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Ex parte: JEFFREY E. FISH, JENNIFER A. GRIFFITHS,  
RICHARD A. BORDERS and ROGER B. QUINCY III

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Application 10/027,787

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on November 26, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

The Final Rejection mailed on February 21, 2006, list the following grounds of rejection:

Claims 1-10, 12-20, 22-35, and 37-42 stand rejected under 35 U.S.C. [§] 103(a) as being unpatentable over Bjornberg et al. (4,892,535) in view of Tanzer et al. (5,411,497) for the reasons of record.

. . .

On page 2 of the Final Rejection mailed February 21, 2006, the Examiner omits claim 36.

The Examiner's Answer mailed May 31, 2007, list the following grounds of rejection:

Claims 1-10, 12-20, 22-34, and 36-42 are rejected under 35 U.S.C. [§] 103(a) as being unpatentable over Bjornberg et al. in view of Tanzer et al.

. . .

On page 3 of the Examiner's Answer mailed May 31, 2006, the Examiner omits claim 35. Therefore, it is not clear whether claim 35 or claim 36 should be included under the rejection of 35 U.S.C. § 103(a) as being unpatentable over Bjornber et al. in view of Tanzer et al. Clarification is required.

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Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) for a determination regarding the status of claims 35 and 36, and, if necessary, to vacate the Examiner's Answer mailed May 31, 2006, and issues a revised Examiner's Answer; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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PJN/pgc

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